

From the INTERNATIONAL BUREAU

PCT

NOTIFICATION CONCERNING
 TRANSMITTAL OF COPY OF INTERNATIONAL
 PRELIMINARY REPORT ON PATENTABILITY
 (CHAPTER I OF THE PATENT COOPERATION
 TREATY)
 (PCT Rule 44bis.1(c))

Date of mailing (day/month/year)
 23 March 2006 (23.03.2006)

To:

OLYNICK, David, P.
 Beyer Weaver & Thomas, LLP
 P.O. Box 70250
 Oakland, CA 94612-0250
 ETATS-UNIS D'AMERIQUE

Applicant's or agent's file reference
 29757/P-919 *IGTIP208GWO*

IMPORTANT NOTICE

International application No.
 PCT/US2004/029911

International filing date (day/month/year)
 14 September 2004 (14.09.2004)

Priority date (day/month/year)
 15 September 2003 (15.09.2003)

Applicant
 IGT et al

The International Bureau transmits herewith a copy of the international preliminary report on patentability (Chapter I of the Patent Cooperation Treaty)

BEYER WEAVER & THOMAS, LLP
 SEEN/CONFIRMED
 BY DOCKETING DEPT.
 DATE: *S/* BY: *CW*
TJS

The International Bureau of WIPO
 34, chemin des Colombettes
 1211 Geneva 20, Switzerland

Authorized officer

Athina Nickitas-Etienne

Facsimile No.+41 22 740 14 35

Facsimile No.+41 22 338 89 95

PATENT COOPERATION TREATY
PCT
INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter I of the Patent Cooperation Treaty)
(PCT Rule 44bis)

Applicant's or agent's file reference 29757/P-919	FOR FURTHER ACTION		See item 4 below
International application No. PCT/US2004/029911	International filing date (<i>day/month/year</i>) 14 September 2004 (14.09.2004)	Priority date (<i>day/month/year</i>) 15 September 2003 (15.09.2003)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant IGT			

<p>1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).</p> <p>2. This REPORT consists of a total of 7 sheets, including this cover sheet.</p> <p>In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.</p>																								
<p>3. This report contains indications relating to the following items:</p> <table> <tbody> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </tbody> </table> <p>4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).</p>	<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
<input checked="" type="checkbox"/>	Box No. I	Basis of the report																						
<input type="checkbox"/>	Box No. II	Priority																						
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability																						
<input type="checkbox"/>	Box No. IV	Lack of unity of invention																						
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement																						
<input type="checkbox"/>	Box No. VI	Certain documents cited																						
<input type="checkbox"/>	Box No. VII	Certain defects in the international application																						
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application																						

Date of issuance of this report 16 March 2006 (16.03.2006)	
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 740 14 35	Authorized officer Athina Nickitas-Etienne Telephone No. +41 22 338 89 95

PATENT COOPERATION TREATY

REC'D 17 FEB 2005

WIPO

PCT

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

see form PCT/ISA/220

3/3

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/US2004/029911

International filing date (day/month/year)
19.09.2004

Priority date (day/month/year)
13.01.2004

International Patent Classification (IPC) or both national classification and IPC
G07F17/32

Applicant
IGT

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office
D-80298 Munich
Tel. +49 89 2399 - 0 Tx: 523656 epmu d
Fax: +49 89 2399 - 4465

Authorized Officer

Mennerun, S

Telephone No. +49 89 2399-7208



**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US2004/029911

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 a sequence listing
 table(s) related to the sequence listing
 - b. format of material:
 in written format
 in computer readable form
 - c. time of filing/furnishing:
 contained in the international application as filed.
 filed together with the international application in computer readable form.
 furnished subsequently to this Authority for the purposes of search.
3. In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US2004/029911

**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or
industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1-42
Inventive step (IS)	Yes: Claims	
	No: Claims	1-42
Industrial applicability (IA)	Yes: Claims	1-42
	No: Claims	

2. Citations and explanations

see separate sheet

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.
PCT/US2004/029911

Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

1. According to Article 17(2)(a)(ii) and Rule 39(1)(iii) :

No International Searching Authority shall be required to search an international application if, and to the extent to which, its subject-matter is any of the following :
[...] (iii) schemes, rules or methods of doing business, performing purely mental acts or playing games.

The examiner is of the preliminary opinion that the independent method claims 1, 10, 19, 24, 29, 38 are related to "conducting a wagering game" and should therefore be considered as non allowable subject-matter.

- 1.1 The dependent claims call for the same objections.

2. Article 6 PCT :

The multiplicity of definitions of the invention given in independent claims **1, 10, 19, 24, 29, 38** is contrary to the requirements of Article 6 PCT. A European patent application may contain more than one independent claim in the same category only if the subject-matter of the application involves (a) a plurality of inter-related products (such as a plug and a socket), (b) different uses of a product, or (c) alternative solutions to a particular problem which cannot be covered by a single claim. None of these apply to the present application.

Moreover, the claim set should be formulated concisely. Further, a diversity of wording for defining one and the same invention should be avoided in order not to render the claims inconsistent with each other and thus unclear.

Consequently, in the present case, it is appropriate to use only one independent claim per category.

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.
PCT/US2004/029911

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/US2004/029911

3. In summary, as far as the present application can be understood, the examiner is of the opinion that the subject-matter of the claims is merely the implementation of some game according to its rules and the representation of particular information.

Rules and methods for playing games and presentation of information are, taken alone, not regarded as inventions (Article 17(2)(a)(ii) and Rule 39(1)(iii)) and can neither lend any technical character to the claims nor contribute to the solution of any technical problem. The other commonplace technical features of the claims do not offer any solution to any technical problem, even in combination with each other or with the non-technical features of the claims.

Therefore, there is no technical problem to be solved (Rule 6.3 (a)-(c) PCT), so that no inventive step is involved in the subject-matter of the claims (Article 33(3) EPC).

Thus, it was not possible to find any subject-matter in the application which could be regarded as potentially allowable under the Articles and Rules of the PCT.